

# **Exhibit 6**

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2                   answered, "Yes."

3                   Q       Did either Raymond Santana or his father have any  
4                   difficulty with the English language?

5                   A       No, sir.

6                   Q       After you read Raymond Santana and his father the  
7                   Miranda warnings, did you begin an interview?

8                   A       Yes, I did.

9                   Q       Would you describe for the Court how that  
10                  interview was conducted.

11                  A       I asked Raymond Santana, Junior, to describe to me  
12                  what happened the night before, April 19th. I gave him a  
13                  point of reference, you know: "Where did you meet? What  
14                  time did you meet? Who were you with? Describe to me in as  
15                  much detail as you can what happened. I know you spoke to  
16                  John Hartigan. You didn't speak to me yet. This is the  
17                  first time I am hearing it. Try not to leave anything out.  
18                  Try not to be embarrassed. Don't be embarrassed about  
19                  anything in front of your father."

20                  Once that was all agreed to, Santana spoke for about an  
21                  hour orally, I would say, back and forth. I asked some  
22                  questions. Then I advised him that I was going to reduce  
23                  this to writing.

24                  Q       Did Detective Jonza ask any questions?

25                  A       I believe he did.

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2 Q How about Raymond's father?

3 A Raymond's father didn't ask any questions, no.

4 Q You mentioned that there came a time when a  
5 written statement was prepared. Would you describe how that  
6 was done.

7 A The whole interview began about ten after ten. On  
8 the heading of the written statement, I put down who was  
9 present in the room. I also put, using the military time  
10 that we use in the Police Department, 22:10 hours, which is  
11 ten after ten P.M. We didn't begin writing at ten after  
12 ten.

13 As I said, we did an oral, more or less, discussion for  
14 about an hour. I then reduced it to writing. It is  
15 contained on five lined pages of white paper.

16 MR. CLEMENTS: At this time I'd like to have  
17 this five page document marked People's 16 for  
18 identification.

19 (Whereupon the above referred to five page  
20 document was marked collectively as People's 16  
21 for identification.)

22 Q Do you recognize People's 16?

23 A Yes, I do.

24 Q What do you recognize it to be?

25 A This is the written statement of Raymond Santana,

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2 April 20, 1989, which was given to me, which was written by  
3 me in the 20th Precinct youth room.

4 Q Is it signed by you as well?

5 A Yes, it is.

6 Q Is it in substantially the same condition as it  
7 was on April 20th?

8 A Yes, sir.

9 MR. CLEMENTS: At this time I offer People's  
10 16 into evidence.

11 MR. RIVERA: May I see it, your Honor.

12 THE COURT: Yes.

13 (Handing to Mr. Rivera.)

14 MR. RIVERA: No objection for the purpose of  
15 the hearing, your Honor.

16 THE COURT: Mark it.

17 (Whereupon the statement was so marked  
18 People's Exhibit 16 in evidence.)

19 Q Detective, if you could look at People's 16 in  
20 evidence, do any signatures appear on People's 16?

21 A Yes, sir.

22 Q Where do they appear?

23 A Excuse me. Pages one, two, three and four contain  
24 the signatures of myself and Raymond Santana in the margin.  
25 Page five, which is the last page of the statement contains

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2 the signature of Raymond Santana, my own signature and skip  
3 one line below that it's witnessed by, and it contains the  
4 signature of Raymond Santana Senior, the father, and  
5 Detective August Jonza.

6 Q Could you explain to the Court the procedure you  
7 used in writing out the statement and how the signatures  
8 came to appear on the pages you just mentioned?

9           A       After speaking for roughly an hour, I'm not  
10           positive if it was an exact hour, approximately an hour. I  
11           then began to reduce it to writing. On page one, when I  
12           finished page one, page one was given to Raymond Santana and  
13           his father to read, as was every other page. Each page I  
14           asked Raymond to initial or to sign. He signed in the  
15           margin and I signed it.

16 Q Did he sign as each page was created?

17 A That's correct. And at the end of the statement I  
18 read the entire statement to them. I then gave it to them  
19 to look it over and then I asked them also to sign at the  
20 end of the statement. Raymond signed it first and then I  
21 signed it, his father signed it and Jonza signed it.

22 Q Were any corrections made?

23 A No, sir, I don't believe. Just let me check. Not  
24 to my knowledge, if I recall. No corrections.

25 Q How did the interview end?

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2                   A     It ended at 12:00 midnight. We used the military  
3                   time. I used the military time, 2400 hours. The statement  
4                   lasted for about -- between the oral and the written, the  
5                   total was one hour and 50 minutes.

6                   MR. BURNS: Fifty, five-0?

7                   THE WITNESS: Five-0, that's correct.

8                   MR. CLEMENTS: With the Court's permission  
9                   may the witness read the statement?

10                  MR. RIVERA: Objection.

11                  MR. BURNS: It speaks for itself.

12                  THE COURT: It's in evidence. It's not  
13                  necessary.

14                  Q     After midnight what did you do?

15                  A     When the statement was completed I then asked Mr.  
16                  Santana Senior if there was any -- did he have any questions  
17                  about what was going to happen. He really didn't have that  
18                  many questions except for how long he would be required to  
19                  stay at the precinct. I advised him that the --  
20                  representatives from the District Attorney were present in  
21                  the building and that at some time in the near future he  
22                  would be required to sit with his son while he was also --  
23                  while he gave an oral statement which would be video taped  
24                  for the District Attorney. He didn't have any objections to  
25                  that and I told him it would be soon, maybe an hour, two

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2 hours tops.

3 Q During the period you were conducting the  
4 interview in the youth room at the 20th Precinct did you or  
5 Detective Jonza make any promises to Raymond Santana?

6 A No, sir.

7 Q Did you or Detective Jonza make any threats to  
8 Raymond Santana?

9 A No, sir, none at all.

10 Q Did Raymond Santana stay in the youth room after  
11 the interview finished?

12           A     No, sir.  Raymond and his dad were escorted out of  
13 the room, back upstairs to the 20th Squad.  Basically to the  
14 same area, the same desk, same seats and were asked to take  
15 a seat until we found out when the District Attorney would  
16 be ready for them.

17 Q Did there come a time that you left the 20th  
18 Precinct and went somewhere else?

A Yes, sir. About 2:00 in the morning.

20 Q Where did you go?

21           A        Myself and Jonza escorted Mr. Santana Senior and  
22           his son Raymond from the 20th Precinct, by unmarked car, we  
23           went from 82nd Street up to 100th Street to the 24th  
24           Precinct.

25 O Why was the investigation moved from the 20th

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2 Precinct to the 24th Precinct?

3           A     Sometime after we finished this written statement  
4     there was some discussion among a variety of the supervisors  
5     at the 20th Precinct, uniform and detectives, as to whether  
6     or not the room we just finished our statement in was the  
7     actual designated youth room. To continue the investigation  
8     there was -- there was definitely some question as to which  
9     was the correct room. We decided to move to the 24th  
10    Precinct which had a designated youth room that everyone  
11    agreed upon and that's where we're going to video tape.

12 Q Before this investigation began did you have any  
13 experience concerning the youth room at the 20th Precinct?

14 A Yes, sir. I had been assigned to Manhattan North  
15 for 21 years. I'd been in and out of the 20th Precinct  
16 numerous times. That's always been the youth room in my  
17 experience.

18 MR. JOSEPH: Objection, your Honor.

19 THE COURT: I'll allow it.

20 Q The room you're speaking of is that 125, the one  
21 you indicated earlier?

22 A That's correct. It's the Youth Officer's room.  
23 It's always been.

24 Q When you went to the 24th Precinct with Raymond  
25 Santana and his father and Detective Jonza where did you go

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2 in the precinct?

3           A       Upon   arriving   at   the   24th   Precinct,   which   is  
4   located   at   151   West   100th   Street   between   Columbus   and  
5   Amsterdam   we   went   in   passed   the   uniform   desk   and   the  
6   designated   youth   room   in   the   24th   is   on   the   first   floor.  
7   It's   actually   a   part   of   the   muster   room.

8 MR. CLEMENTS: At this time, with the Court's  
9 permission, I'd like the witness to get off the  
10 stand and look at People's 5 in evidence.

11 (Whereupon the witness approached People's 5  
12 in evidence.)

13 Q Do you recognize People's 5, detective?

14 A Yes, I do.

15 Q What do you recognize it to be?

16 A It's a schematic of the 24th Precinct first floor.

17 Q When you entered the 24th Precinct with Raymond  
18 Santana and his father where did you go?

19       A     This is the main uniform desk.  This is the entry.  
20      This is 100th Street.  We entered.  The desk is here.  There  
21      are  some closing folding doors which were open in the  open  
22      position.  This is the muster room.

23 MR. CLEMENTS: The record should reflect the  
24 witness is indicating the large room on the right-  
25 hand side of the exhibit, about the middle.

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2 THE WITNESS: Now straight back here -- this  
3 is a partitioned group of offices.

4 Q When you say "partitioned" do the walls go up to  
5 the ceiling?

6 A No, they don't. This area back here is designated  
7 as the youth room.

8 MR. CLEMENTS: The record should reflect that  
9 the officer is pointing to a room previously  
10 marked by another witness as room 101.

11 Q Where did Raymond Santana and his father go as you  
12 entered the precinct?

13 A Along the back wall here, which would be the east  
14 wall of the 24th Precinct. Along the back wall is a water  
15 fountain here, a soda machine and there is a lot of folding  
16 metal chairs, metal desks, this is the room where roll call  
17 is held so there are a lot of scattered desks. They sat  
18 against the wall basically waited until the room was  
19 available to do the video tape.

20 Q Did there come a time when Raymond Santana made an  
21 oral statement that was recorded on video tape?

22 A Yes.

23 Q And where was that statement taken?

24 A About 2:30 in the morning the -- now the 21st of  
25 April, the video tape statement was taken in this room by a

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2       video tape technician from the District Attorney's office.  
3       Present in the room seated at this desk on this side was  
4       Raymond Santana. Seated next to him was his father. Seated  
5       about here was myself. Next to me was Detective Bertaroyo  
6       (phon) who was the case officer from Central Park, who was  
7       in charge of the investigation. The Assistant District  
8       Attorney, Elizabeth Lederer, sat here and the video tape  
9       technician was back here and this is where the camera was  
10      set up.

11                   MR. CLEMENTS: Indicating the north east  
12                   corner of the room.

13                   THE WITNESS: That is correct, the north east  
14                   corner of the room.

15                   MR. CLEMENTS: You can resume the stand  
16                   again, detective.

17                   (Whereupon Detective Sheehan resumed the  
18                   witness stand.)

19                   MR. CLEMENTS: At this time I'd like to have  
20                   this video tape marked People's 17 for  
21                   identification.

22                   (Whereupon the video tape was so marked  
23                   People's Exhibit 17 for identification.)

24                   Q      Detective, do you recognize People's 17?

25                   A      Yes, I do.

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1 SUPREME COURT OF THE STATE OF NEW YORK  
2 COUNTY OF NEW YORK : CRIMINAL TERM : PART 59  
3 THE PEOPLE OF THE STATE OF NEW YORK

4 - against -

Indictment  
No. 4762/89

5 RAYMOND SANTANA, KHAREY WISE,  
6 YUSAF SALAAM, ANTRON MC CRAY,  
KEVIN RICHARDSON, STEVE LOPEZ and  
MICHAEL BRISCO,

7 Defendants.

8 October 27, 1989

9  
10 B E F O R E:

11 HONORABLE THOMAS B. GALLIGAN,

12 Justice

13 (Appearances as heretofore noted)

14  
15 \* \* \* \*

16 THE COURT CLERK: Hearing continued,  
17 People of the State of New York versus  
18 Kharey Wise, Yusaf Salaam, Antron McCray,  
19 Kevin Richardson, Steven Lopez, Michael  
20 Brisco, Raymond Santana; Indictment 4762 of  
21 '89.

22 THE COURT: Are we ready to proceed? Is  
23 the officer outside?

24 MS. LEDERER: Yes.

25 (Witness entered the courtroom and

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1 COLLOQUY

2 resumed the stand.)

3 D E T. S H E E H A N,

4 called as a witness on behalf of the People,  
5 having been previously sworn, resumed the stand  
6 and testified further as follows:

7 THE COURT CLERK: Detective, may I  
8 remind you you're still under oath.

9 CROSS EXAMINATION

10 BY MR. BERMAN:

11 Q Detective Sheehan, my name is Jesse Berman.  
12 I represent Steve Lopez. I just want to ask you  
13 about two small areas of your testimony.

14 You mentioned on your direct when we were last  
15 here, you mentioned around two in the morning on  
16 April 21st, you and Detective Jonza took one of the  
17 suspects to the 24th Precinct because Room 125 of  
18 the 20th Precinct might not have been the actual  
19 designated Youth Room. That's what I wanted to ask  
20 you about, the designated Youth Room.

21 You yourself are Manhattan-wide, Manhattan  
22 North-wide?

23 A Manhattan North, yes, sir.

24 Q But you have experience in and out of the  
25 various Manhattan North precincts over the past

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2 several years?

3 A For the past twenty-one years.

4 Q And who was it that raised the issue with  
5 you that Room 125 might not have been the actual  
6 designated Youth Room at the 20th Precinct?

7 A It wasn't actually raised with me. There  
8 was some discussion among the uniformed supervisors  
9 in the 20th Precinct as to whether there was  
10 actually a disagreement as to which was now the  
11 designated room.

12 In my opinion that had always been the  
13 designated room. That's where the youth officer  
14 hangs his hat, so to speak.

17 A That's where all the youth programs come out  
18 of, that room.

19 Q But the Youth Room, in the sense of the  
20 Family Court ruling requiring designated Youth Room  
21 for questioning purposes, that may be different?

MR. CLEMENTS: Objection.

THE COURT: I'll allow it.

24 A There is an outside possibility. It is  
25 highly unusual.

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2 Q From your experience with Room 125 of the  
3 20th Precinct up until April 21st of this year, that  
4 room was also used for other purposes beyond the  
5 Youth Room; isn't that right?

6 A I always knew it to be the Youth Room. I  
7 never had any other dealings in that precinct other  
8 than whenever we dealt with the room, that's where  
9 we conducted our investigation.

Q As to investigate, specifically as to questioning, is that where you always questioned youths?

154 A Yes, sir.

14       Q     Who actually brought it to your attention,  
15 what you told us about? Did you happen to overhear  
16 the supervisors talking about it or did someone say  
17 it to you?

18 A The detective supervisors brought it to my  
19 attention. Quite naturally, I said, "Why are we  
20 moving here? We already moved once." And it was  
21 because of a difference of opinion, and until that  
22 was settled, everyone concerned felt it better if  
23 we're going to continue this with the video tapes,  
24 let's go to the 24th. There will be no-- without  
25 question, which is the designated Youth Room.

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Q Police officers, detectives in a precinct, if they want to find out whether the Family Court has designated a particular room as the Youth Room, is there some bulletin board or manual someplace you could go in a precinct to find out which is the right room?

8 MR. CLEMENTS: Objection.

THE COURT: I will allow it.

10 A I would assume so, probably somewhere behind  
11 the desk.

12       Q     In other words, somewhere there is a written  
13     order or ruling from Family Court kept on file, and  
14     one could look up behind the desk and find out?

15 A It's also common knowledge among the  
16 officers and detectives who work there.

17       Q    When that common knowledge comes questioned  
18    by somebody, supervisory personnel, one way to  
19    resolve it is to look up the order and find out  
20    which is the designated room for questioning youths;  
21    is that right?

22 MR. CLEMENTS: Objection.

23 THE COURT: Sustained.

24 Q You mentioned it had already been moved once  
25 and your understanding was it had been moved from

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2                   the Central Park Precinct to the 20th Precinct, is  
3                   why?

4                   A    We have had numerous investigations in  
5                   Central Park. The facilities are very poor, to say  
6                   the least. It is a very old building from the  
7                   1800's.

8                   Q    Do you know whether, as of April 19th, 20th,  
9                   21st, of '89, there was a designated room for the  
10                  questioning of youths at the Central Park Precinct?

11                  A    Yes, sir.

12                  Q    And what room was that, as far as you know?

13                  A    In my experience again, that room has always  
14                  been across the alleyway the auxilliary police and  
15                  the youth programs are kept, in the youth officer's  
16                  room.

17                  Q    The room is actually a separate building,  
18                  isn't it?

19                  A    Yes, it is.

20                  Q    And it has more than one room?

21                  A    Two rooms in all.

22                  Q    Is it your testimony both of those rooms are  
23                  designated as the Youth Room, youth room for  
24                  questioning at the Central Park Precinct, or just  
25                  one of those rooms?

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2       A    In my experience, I think you can use one of  
3       those-- either one of those rooms since it is a  
4       separate facility.

5 Q You yourself have never seen the written  
6 designation from the Family Court to see which rooms  
7 apply in the Central Park Precinct?

8 A No, I have not.

9 Q And similarly, in the 20th Precinct you have  
10 never seen the designation from Family Court?

11 A No, I have not.

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Q I'm placing before you the diagram in evidence of the first floor of the 20th Precinct, which is People's 2 in evidence.

16 And could you come down and I'll ask you a  
17 question.

18 A sure.

19 (Witness complies.)

20 Q Room 25 appears, the number 125; is that  
21 right?

22 A Yes.

Q Do you know where Room 107 would be?

24 A No, I don't, sir.

25 Q. And is it fair to say that people coming in

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2   and out of Room 125, such as, for example, to go to  
3   the men's room back here at the upper righthand  
4   corner of the diagram, would be visible to people  
5   entering and exiting the precinct?

6   In other words, as they came out of the door of  
7   125?

8                   MR. CLEMENTS: Objection.

9                   THE COURT: I'll allow it.

10                  A   There's a door-- if you were questioning  
11   somebody, you would have the door closed.

12                  Q   I am saying if someone was going from Room  
13   125 to the men's room, they would be visible to  
14   people entering the precinct; is that right?

15                  A   Yes, sir.

16                  Q   And similarly, as they pass from Room 125 to  
17   go around to the toilet, they would have to pass  
18   right by the main desk, civilians, people standing  
19   in front of the main desk for whatever reasons they  
20   might be there?

21                  A   That's right.

22                  Q   When the press showed up at the 20th  
23   Precinct, do you know where they were kept or where  
24   they stayed?

25                  MR. CLEMENTS: Objection.

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2 THE COURT: Objection sustained.

Q I guess you can go back to your seat.

4 (Witness complies.)

5 Q Just one more thing about Room 125. When  
6 you say for a long time, as far as you knew, it had  
7 been the Youth Room, going back how far did you  
8 understand Room 125 to be the room designated for  
9 questioning youths rather than where the youth  
10 officer had his desk, but as far as the room for  
11 questioning youths?

A Since they opened that building.

13 Q And that would be when?

14 A That's in the early 70's.

15 Q And the other area I wanted to ask you  
16 about, you said that on the late afternoon or the  
17 early evening of the 21st of April, over at the 24th  
18 Precinct, you heard a lot of noise or loud noise in  
19 a cell up on the second floor of the-- the holding  
20 cell in the detective squad area; is that right?

21 A Right.

22 Q As to Steve Lopez, he was one of the people  
23 in that cell at that time, is that right?

A That's right. He was visible to me also.

Q And your best estimate of what time of day

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2 | that was?

3 A I said I think early evening or late  
4 afternoon. I'd have to say it was after 6:00. I'm  
5 not sure exactly. I was off duty at nine and they  
6 were in the cell sometime after six.

7           Q     And is it fair to say that you're aware that  
8 Steve Lopez was originally taken in on unlawful  
9 assembly charges but ultimately charged with much  
10 serious charges?

11 MR. CLEMENTS: Objection.

12 THE COURT: Sustained.

13 Q If you know.

14 THE COURT: Sustained.

15 Q That holding cell in the detective area on  
16 the second floor of the 24th Precinct, is that a  
17 cell reserved for youths?

18 A No, sir.

Q. What is that cell generally used for?

A It's reserved for prisoners.

21 Q And under what circumstances are youths put  
22 in that cell?

23 A After they are charged, formally arrested.

24 Q Do you know at what time Steve Lopez was put  
25 in that cell?